

In the Claims:

Please amend the claims so as to read as follows:

1. (Currently Amended) An optical data recording medium, in which irradiation of a light beam is used for ~~recording or reproducing~~ recorded data, comprising:

a substrate having pits, corresponding to the recorded data, which are shorter than a resolution limit of an optical system of a reproducing apparatus compatible with the optical data recording medium; and

a reproducing layer; for reproducing a signal from the pits, the reproducing layer being provided to face a light-incident surface of the substrate, ~~the reproducing layer for reproduction of a signal from a mark having a mark length shorter than a resolution limit of an optical system of a reproducing apparatus for reproducing the optical data recording medium.~~

2. Cancel without prejudice.

3. (Currently Amended) The optical data recording medium as set forth in Claim 1, wherein:
the reproducing layer is made of a material whose transmittance changes in accordance with ~~to~~ temperature.

4. (Currently Amended) The optical data recording medium as set forth in Claim 1 wherein:
at least a part of ~~that surface of the reproducing layer to which the light beam is irradiated~~
is exposed to air ~~a light incident surface of the reproducing layer is exposed to air.~~

5. (Currently Amended) The optical data recording medium as set forth in Claim 1 ~~wherein~~ further comprising:
the ~~functional layer~~ is a light absorption layer for converting the light beam to heat, the light absorption layer being contiguous to the reproducing layer.
6. (Currently Amended) The optical data recording medium as set forth in Claim 1 ~~wherein~~ further comprising:
the ~~functional layer~~ is a reflective layer for reflecting the light beam, the reflective layer being provided between the substrate and the reproducing layer.
7. (Original) The optical data recording medium as set forth in Claim 1 wherein:
the reproducing layer is made of a metal oxide.
8. (Original) The optical data recording medium as set forth in Claim 7, wherein:
the reproducing layer is made of a zinc oxide.
9. (Original) The optical data recording medium as set forth in Claim 5, wherein:
the light absorption layer is made of one of silicon, germanium and an alloy of silicon and germanium.

10. (Currently Amended) An optical data recording medium, in which irradiation of a light beam is used for reproducing recorded data, comprising:
a substrate ~~having a non-flat surface on which a rise and/or a recess for recording and/or reproduction is formed~~ pits, corresponding to the recorded data, which are shorter than a resolution limit of an optical system of a reproducing apparatus compatible with the optical data recording medium;
a reproducing layer, stacked on a surface of the substrate on which the pits are provided ~~on the non-flat surface of the substrate~~, the reproducing layer having a changeable transmittance with respect to the light beam, the changeable transmittance being changeable in accordance with intensity distribution of the light beam irradiated on the reproducing layer; and
a reflective surface, provided between the substrate and the reproducing layer, for reflecting a light beam having passed through the reproducing layer, ~~the reflective surface having a rise and/or a recess that corresponds to the rise and/or the recess of the substrate.~~
11. (Original) The optical data recording medium as set forth in Claim 10, further comprising:
a reflective layer provided between the substrate and the reproducing layer, and including the reflective surface.
12. (Original) The optical data recording medium as set forth in Claim 10, further comprising:
a light absorption layer, provided between the substrate and the reproducing layer, for converting, to heat, the light beam irradiated thereon.

13. (Original) The optical data recording medium as set forth in Claim 10, wherein:
at least a part of that surface of the reproducing layer which is a reverse surface to the surface facing the substrate is exposed to air.
14. Canceled without prejudice.
15. Canceled without prejudice.
16. Canceled without prejudice.
- 17 (Currently Amended) A reproducing method of an optical data recording medium in which irradiation of a light beam is used for reproducing data recorded in the optical data recording medium,
said optical data recording medium, including:
a substrate having pits, corresponding to the recorded data, which are shorter than a resolution limit of an optical system of a reproducing apparatus; and
a reproducing layer; for reproducing a signal from the pits, the reproducing layer being provided to face a light-incident surface of the substrate, ~~the reproducing layer for reproduction of a signal from a mark having a mark length shorter than a resolution limit of an optical system of a reproducing apparatus for the optical data recording medium,~~
said reproducing method comprising the ~~steps~~ step of:
irradiating the light beam from above the reproducing layer; ~~and~~
~~reproducing the mark having a mark length shorter than resolution limit of the optical system of the reproducing apparatus~~ to reproduce the pits.

18. (Currently Amended) A reproducing method of an optical data recording medium in which irradiation of a light beam is used for reproducing data recorded in the optical data recording medium,

said optical data recording medium including:

a substrate having pits, corresponding to the recorded data, which are shorter than a resolution limit of an optical system of a reproducing apparatus~~a non-flat surface on which a rise and/or a recess for recording and/or reproduction is formed;~~

a reproducing layer, stacked on a surface, of the substrate, on which the pits are provided,~~on the non-flat surface of the substrate,~~ the reproducing layer having a changeable transmittance with respect to the light beam, the changeable transmittance being changeable in accordance with intensity distribution of the light beam irradiated on the reproducing layer; and

a reflective surface, provided between the substrate and the reproducing layer, for reflecting a light beam having passed through the reproducing layer,~~the reflective surface having a rise and/or a recess that corresponds to the rise and/or the recess of the substrate,~~

said reproducing method comprising the step of:

reproducing ~~recording~~ said recorded data by irradiating a light beam ~~the~~ on said optical data recording medium from above the reproducing layer.